



General Assembly

January Session, 2003

Raised Bill No. 6559

LCO No. 3885

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING ADOLESCENT RELATIONSHIPS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) A person is guilty of sexual assault in the second degree when
4 such person engages in sexual intercourse with another person and: (1)
5 Such other person is (A) thirteen years of age [or older] but under
6 [sixteen] fourteen years of age and the actor is more than two calendar
7 years older than such other person, or (B) fourteen years of age or
8 older but under sixteen years of age and the actor is more than three
9 calendar years older than such other person; or (2) such other person is
10 mentally defective to the extent that such other person is unable to
11 consent to such sexual intercourse; or (3) such other person is
12 physically helpless; or (4) such other person is less than eighteen years
13 old and the actor is such person's guardian or otherwise responsible
14 for the general supervision of such person's welfare; or (5) such other
15 person is in custody of law or detained in a hospital or other institution
16 and the actor has supervisory or disciplinary authority over such other
17 person; or (6) the actor is a psychotherapist and such other person is

18 (A) a patient of the actor and the sexual intercourse occurs during the
19 psychotherapy session, (B) a patient or former patient of the actor and
20 such patient or former patient is emotionally dependent upon the
21 actor, or (C) a patient or former patient of the actor and the sexual
22 intercourse occurs by means of therapeutic deception; or (7) the actor
23 accomplishes the sexual intercourse by means of false representation
24 that the sexual intercourse is for a bona fide medical purpose by a
25 health care professional; or (8) the actor is a school employee and such
26 other person is a student enrolled in a school in which the actor works
27 or a school under the jurisdiction of the local or regional board of
28 education which employs the actor; or (9) the actor is a coach in an
29 athletic activity or a person who provides intensive, ongoing
30 instruction and such other person is a recipient of coaching or
31 instruction from the actor and (A) is a secondary school student and
32 receives such coaching or instruction in a secondary school setting, or
33 (B) is under eighteen years of age.

34 (b) Sexual assault in the second degree is a class C felony or, if the
35 victim of the offense is under sixteen years of age, a class B felony, and
36 any person found guilty under this section shall be sentenced to a term
37 of imprisonment of which nine months of the sentence imposed may
38 not be suspended or reduced by the court.

39 Sec. 2. Section 53a-73a of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2003*):

41 (a) A person is guilty of sexual assault in the fourth degree when: (1)
42 Such person intentionally subjects another person to sexual contact
43 who is (A) under [fifteen] thirteen years of age, or (B) thirteen years of
44 age but under fourteen years of age and the actor is more than two
45 calendar years older than such other person, or (C) fourteen years of
46 age but under fifteen years of age and the actor is more than three
47 calendar years older than such other person, or [(B)] (D) mentally
48 defective or mentally incapacitated to the extent that such other person
49 is unable to consent to such sexual contact, or [(C)] (E) physically

50 helpless, or [(D)] (E) less than eighteen years old and the actor is such
 51 other person's guardian or otherwise responsible for the general
 52 supervision of such other person's welfare, or [(E)] (G) in custody of
 53 law or detained in a hospital or other institution and the actor has
 54 supervisory or disciplinary authority over such other person; or (2)
 55 such person subjects another person to sexual contact without such
 56 other person's consent; or (3) such person engages in sexual contact
 57 with an animal or dead body; or (4) such person is a psychotherapist
 58 and subjects another person to sexual contact who is (A) a patient of
 59 the actor and the sexual contact occurs during the psychotherapy
 60 session, or (B) a patient or former patient of the actor and such patient
 61 or former patient is emotionally dependent upon the actor, or (C) a
 62 patient or former patient of the actor and the sexual contact occurs by
 63 means of therapeutic deception; or (5) such person subjects another
 64 person to sexual contact and accomplishes the sexual contact by means
 65 of false representation that the sexual contact is for a bona fide medical
 66 purpose by a health care professional; or (6) such person is a school
 67 employee and subjects another person to sexual contact who is a
 68 student enrolled in a school in which the actor works or a school under
 69 the jurisdiction of the local or regional board of education which
 70 employs the actor; or (7) such person is a coach in an athletic activity or
 71 a person who provides intensive, ongoing instruction and subjects
 72 another person to sexual contact who is a recipient of coaching or
 73 instruction from the actor and (A) is a secondary school student and
 74 receives such coaching or instruction in a secondary school setting, or
 75 (B) is under eighteen years of age.

76 (b) Sexual assault in the fourth degree is a class A misdemeanor or,
 77 if the victim of the offense is under sixteen years of age, a class D
 78 felony.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Purpose:

To revise the circumstances under which sexual relations between adolescents is considered a criminal offense.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]